



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 13 2016

Bradley C. Blase, P.G.
Environmental Manager
Essroc Cement Corporation/Martinsburg Plant
1826 South Queen Street
Martinsburg, West Virginia 25401

Re: Martinsburg Plant, I.D. #003-00006
Title V Operating Permit R30-00300006-2012
Notice of Non-Compliance/Show Cause and Request for Information

Dear Mr. Blase:

In accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 CSR § 30C (Requirements for Operating Permits), on January 19, 2012, West Virginia Department of Environmental Protection ("WVDEP") issued a Permit to Operate ("Title V Permit") (R30-00300006-2012), pursuant to Title V of the Clean Air Act ("CAA" or the "Act"), to Essroc Cement Corporation's ("Essroc's") 1826 South Queen Street, Martinsburg, West Virginia facility ("Martinsburg Facility").

By letter dated July 8, 2015, the United States Environmental Protection Agency ("EPA") requested information from Essroc related to its 2013 and 2014 Title V Annual Compliance Certification Reports ("Title V Annual Certifications"), which identified deviations from Essroc's Title V Permit conditions. By letter dated September 17, 2015, Essroc provided its response to EPA. Based on EPA's review of Essroc's Title V Annual Certifications and September 17, 2015 response, EPA believes that Essroc failed to comply with certain federally enforceable requirements applicable to its Martinsburg Facility. This letter is a Notice of Noncompliance ("NON") and Show Cause Notification relating to EPA's on-going Clean Air Act ("CAA") compliance investigation of the Martinsburg Facility's Title V compliance status. A summary of alleged CAA non-compliance is enclosed herein. See Enclosure A (General Summary of Allegations of Non-Compliance with the Clean Air Act). EPA is interested in discussing the areas of non-compliance summarized in Enclosure A with Essroc representatives.



OPPORTUNITY TO CONFER

In order to initiate discussions regarding this matter, including any information submitted in response to EPA's request for information below, EPA is requesting an opportunity to confer with you and other representatives of the Facility. The purposes of such discussion would be to: 1) discuss any additional information that Essroc representatives may have demonstrating that EPA's summary of alleged violations set forth in Enclosure A is incorrect, and 2) provide any additional information relevant to EPA's determination of whether EPA Region III should consider any potential enforcement action relating to Essroc's non-compliance with the above-referenced Title V Permit. In order to expedite discussion of this matter, EPA is requesting a timely response to this letter and submission of any additional information demonstrating that EPA's summary of alleged violations set forth in Enclosure A are not correct.

EPA is requesting that Essroc respond to this letter within fifteen (15) business days of your receipt of this letter, indicating whether Essroc is willing and able to accept EPA Region III's invitation for an opportunity to confer. If Essroc does not respond within fifteen (15) business days of receipt of this letter, the Agency may determine an appropriate enforcement response without further prior notice to you.

REQUEST FOR INFORMATION

This letter is also a request for information issued pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a). EPA has reviewed Essroc's September 17, 2015 Response ("Essroc's September 2015 Response") to EPA's July 6, 2015 Information Request ("EPA's July 2015 Information Request") and requires additional information to fully determine the CAA compliance status of the Martinsburg Facility. Pursuant to Section 114(a) of the CAA, the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In accordance with Section 114(a) of the CAA, EPA hereby requests that Essroc provide responses to the questions and requests for information, in Enclosure B2 to this letter, regarding its Martinsburg Facility. (See Enclosure B1 for instructions and definitions). All information submitted in response to this request must be certified as true, correct, accurate and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Essroc. On the last page of your response(s) to this request for information, please include the certification contained in Enclosure B3.

Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b). In addition, Section 113(c)(2) of the CAA provides that any person who knowingly makes any false material statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil and criminal proceedings.

You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. Section 2.301(a)(2) (Enclosure B4). Any such claim should be made in accordance with the procedures described at 40 C.F.R. Section 2.203(b). EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. EPA may provide the public with any information not subject to such a claim without further notice. The required submission of information pursuant to Section 114 of the CAA is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501, et seq.

EPA requires Essroc to submit the information requested in Enclosure B2 no later than thirty (30) calendar days after receipt of this letter. EPA requires that Essroc report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. Please submit your response to this request to EPA at the address provided below.

* * *

Please send any and all information responsive to this letter, and direct any request for a settlement conference, to the attention of:

Erin Malone, Air Inspector
Air Protection Division (3AP20)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Phone: 215-814-2190
Email: malone.erin@epa.gov

We look forward to discussing this matter with Essroc representatives. If you have any questions regarding this letter, please contact Erin Malone, or have your legal counsel contact Humane Zia, Senior Associate Regional Counsel, at (215) 814-3454 or zia.humane@epa.gov.

Sincerely,



Cristina Fernandez, Director
Air Protection Division

Enclosures:

- A: General Summary of Allegations of Non-Compliance
 - B1: Instructions and Definitions
 - B2: Requested Information
 - B3: Statement of Certification
 - B4: Confidential Business Information Assertion and Substantiation Requirements
- cc: Jesse Adkins - WVDEP

ENCLOSURE A

**GENERAL SUMMARY OF ALLEGATIONS
OF NON-COMPLIANCE WITH THE CLEAN AIR ACT**

The following allegations of non-compliance are in regard to Essroc's Title V Operating Permit (Permit R30-003000006-2012) ("Title V Permit"), issued January 19, 2012, and the requirements of 40 C.F.R. Part 63, Subpart LLL – National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

1. Failure to Comply with the TSP and PM₁₀ annual emission limits for certain "Group 1" fugitive sources, in 2013 and 2014, as required by Title V Permit Condition 4.1.9.

Essroc's Title V Operating Permit Annual Compliance Certifications for 2013 and 2014, submitted by Essroc to WVDEP and EPA under cover letters dated March 13, 2014 and March 13, 2015, respectively ("2013 and 2014 Annual Certifications"), reported that Essroc exceeded its allowable annual emission limits for TSP and PM₁₀ for emission points EP0X03.02 and EP0X03.03, in both 2013 and 2014, in non-compliance with Permit Condition 4.1.9 of Essroc's Title V Permit. Permit Condition 4.1.9 requires that emissions from such Group 1 fugitive sources (quarry and crushing operations), shall not exceed 0.40 tons per year ("tpy") of TSP for emission point EP0X.03.02 (loader to truck-waste rock), and 0.19 tpy of PM₁₀ for emission point EP0X.03.03 (truck to waste pile). Essroc's actual TSP and PM₁₀ emissions amounts, for 2013 and 2014 for EP0X.03.02 or EP0X.03.03, have not been provided to EPA. In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 4.1.9.

2. Failure to Comply with the TSP and PM₁₀ annual emission limits for certain "Group 6" fugitive sources, in 2013 and 2014, as required by Title V Permit Condition 4.1.43.

Essroc's September 17, 2015 Response ("Essroc's September 2015 Response") to EPA's July 6, 2015 Information Request ("EPA's July 2015 Information Request") included revised Annual Certifications for 2013 and 2014 ("Revised Annual Certifications"), which reported that Essroc exceeded its allowable annual emission limits for TSP and PM₁₀ for emission points EP27.01, EP27.02, and EP27.03 in 2013, and for emission points EP27.04 and EP27.05 in 2014, in non-compliance with Permit Condition 4.1.43 of Essroc's Title V Permit. Permit Condition 4.1.43 requires that emissions from such Group 6 fugitive sources (cement production operations), shall not exceed 2.21 tpy of TSP or 1.04 tpy of PM₁₀. According to Essroc's September 2015 Response, Attachment 14, Essroc exceeded its TSP and PM₁₀ allowable emission limits for these Group 6 fugitive sources by up to 55%, as follows:

Permit Condition 4.1.43 Group 6 Fugitive Source Emissions Sources				
TSP				
	Permit Limit (tpy)	2013 Essroc Actual Emissions (tpy)	2014 Essroc Actual Emissions (tpy)	Amount Over Standard
EP27.01	2.21	3.4272	2.1465	55%
EP27.02	2.21	3.4272	2.1465	55%
EP27.03	2.21	3.4272	2.1465	55%
EP27.04	2.21	1.5913	2.6604	20%
EP27.05	2.21	1.5913	2.6604	20%
PM ₁₀				
	Permit Limit (tpy)	2013 Essroc Actual Emissions (tpy)	2014 Essroc Actual Emissions (tpy)	Amount Over Standard
EP27.01	1.04	1.6210	1.0152	55%
EP27.02	1.04	1.6210	1.0152	55%
EP27.03	1.04	1.6210	1.0152	55%
EP27.04	1.04	0.7527	1.2583	21%
EP27.05	1.04	0.7527	1.2583	21%

Note: Highlighted cells depict exceedances of the permitted emission limits. Data compiled from Essroc's September 2015 Response Attachment 14(a)- Calculations and Throughputs.xlsx

3. Failure to comply with the TSP and PM₁₀ annual emission limits for certain "Group 8" fugitive sources, in 2013 and 2014, as required by Title V Permit Condition 4.1.56.

Essroc's 2013 and 2014 Annual Certifications reported that Essroc exceeded its TSP and PM₁₀ allowable annual emission limits for emission point EP25.03 (quarry haul roads (waste)), in non-compliance with the emission limits established in Permit Condition 4.1.56. Permit Condition 4.1.56 of Essroc's Title V Permit requires that emissions from such Group 8 fugitive sources shall not exceed 15.10 tpy of TSP or 4.46 tpy of PM₁₀. According to Essroc's Annual Emissions Calculations for EP25.03, which were submitted to EPA with Essroc's September 2015 Response, Attachment 15(b), Essroc exceeded its TSP and PM₁₀ emission limits by up to 117% as follows:

Permit Condition 4.1.56 Group 8 Fugitive Source Emissions Limit - EP25.03					
	Permit Limit (tpy)	2013 Essroc Actual Emissions (tpy)	Amount Over Standard	2014 Essroc Actual Emissions (tpy)	Amount Over Standard
TSP	15.10	32.81	117%	29.95	98%
PM ₁₀	4.46	9.68	54%	8.84	98%

Note: Highlighted cells depict exceedances of the permitted emission limits. Data compiled from Essroc's September 2015 Response Attachment 15(b)- Calculations and Throughputs.xlsx

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 4.1.56.

4. Failure to comply with the temperature limitations for gas at the inlet to the kiln particulate matter control device (“PMCD”) and the bypass PMCD, as required by Essroc’s Title V Permit Condition 4.1.6 and 40 C.F.R. § 1346(a).

Essroc’s Semi-Annual Summary Reports for January 1 to June 30, 2013 and July 1 to December 31, 2014 reported 9 instances, on 5 separate days, in which Essroc exceeded its temperature limitation for exhaust gas at the inlet of the main baghouse and/or bypass baghouse, in non-compliance with Permit Condition 4.1.6 and 40 C.F.R. § 1346(a), which require operation of the kiln such the temperature of the gas at the inlet to the PMCD does not exceed the applicable limit established pursuant to Permit Condition 4.1.7 and 40 C.F.R. § 1349(b)(3)(iv). Essroc reported exceedances on April 11, 12 and 13, 2013 totaling 1,219 minutes, and on September 23 and 24, 2014 totaling 207 minutes, as follows:

Permit Condition 4.1.6 Kiln Main Baghouse Thermocouple Inlet Temperature Excess Emissions Report January 1 to June 30, 2013		
Date	Duration of exceedance - mins (% Over Standard)	Cause
4/11/2013	24 (16.4%)	Unknown -Kiln Preheating after outage to cure refractory bricks – no clinker produced
4/11/2013	416 (52.6%)	
4/11/2013	88 (2.6%)	
4/12/2013	267 (37.4%)	
4/12/2013	218 (21.4%)	
4/13/2013	206 (15.7%)	
	Total=1,219 mins	

Permit Condition 4.1.6 Kiln Main Baghouse Thermocouple Inlet Temperature Excess Emissions Report (Main kiln and Bypass*) July 1 to December 31, 2014		
Date	Duration of Exceedance- mins (% Over Standard)	Cause
9/23/2014	96 (5.2%)	Unknown -Gate stuck
9/23/2014*	54* (112.5 %)	
9/24/2014	57 (1.7%)	
	Total =207 mins	

Note: Data compiled from Essroc’s September 2015 Response, Attachment 5 (b) PC-MACT semi-annual reports for 2013 and Attachment 5 (c) PC-MACT semi-annual reports for 2014.

5. Failure to timely and properly demonstrate initial compliance with opacity emission standards by using the Method 9 performance test methods and procedures set forth in 40 C.F.R. § 63.1349(b)(2), as required by Essroc’s Title V Permit Condition 3.1.24 and 40 C.F.R. § 63.1348(a)(2).

a. Essroc’s 2014 Annual Certification reported that it did not conduct Method 9 performance tests on emission sources CD43.21, CD21.12 and CD21.13, which began operation between July and November 2013, before their 180-day start up periods ended in 2014, in non-compliance with Permit Condition 3.1.24 and 40 C.F.R. § 1348(a)(2). Permit Condition 3.1.24 and 40 C.F.R. § 1348(a)(2) require demonstration of initial compliance with the applicable 10% opacity emission standard, set forth in 40 C.F.R. § 63.1345 and Permit Condition 3.1.20, by using the performance test methods and procedures in 40 C.F.R. § 63.1349(b)(2) (Permit Condition 3.3.3(2)). Pursuant to 40

C.F.R. §§ 1348(a), 1351 and 63.7, such performance tests were required to be conducted within 180 days startup of such sources.

b. Essroc's September 2015 Information Response, Attachments 2(a) and 9, indicate that the Method 9 performance tests it conducted for emission sources including, but not limited to, CD43.21, CD21.12, CD21.13 and CD 45.16, were for 30 minutes duration, in non-compliance with the methods and procedures of 40 C.F.R. § 63.1349(b)(2) (Permit Condition 3.3.3(2)), which specifies that "[t]he duration of the Method 9 performance test must be 3 hours (30 6-minute averages), but may be reduced to 1-hour" if certain conditions apply.

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 3.1.24.

6. Failure to timely submit protocols to WVDEP, prior to performance testing, to determine mass emission limits from or air pollutant concentrations in discharge stacks, as required by Essroc's Title V Permit Condition 3.3.1(c).

Essroc's 2013 Annual Certification reported that it failed to submit to WVDEP the protocol for conducting its June 12, 2013 Initial Method 9 performance test on the Rail Transloader (CD45.16). Essroc's 2014 Annual Certification reported that it failed to submit the protocol at least 30 days prior to conducting its September 22, 2014 and October 7, 2014 D/F performance testing for the preheater/precalciner kiln (CD42.04). Essroc's failure to timely submit these performance test protocols in 2013 and 2014 violates Essroc's Title V Permit Condition 3.3.1(c), which requires submission of testing protocol at least 30 days prior to any testing.

7. Failure to submit a report of performance test results to WVDEP within 60 days of completion of the test, as required by Essroc's Title V Permit Conditions 3.3.1(d) and 3.3.2.

Essroc's 2013 Annual Certification reported that it failed to submit to WVDEP the results of the June 12, 2013 Initial Method 9 Performance Test for its Rail Transloader (CD 45.16), in non-compliance with Permit Conditions 3.3.1(d) and 3.3.2, which require submission of performance testing in complete test reports, within 60 days of completion of the test, containing information including, but not limited to, the permit or rule evaluated, with the citation number and language; test results; quality assurance procedures and results; records of operating conditions during the test, preparation of standards, and calibration procedures; and raw data sheets for field sampling and field and laboratory analyses. Essroc's September 2015 Information Response No. 12 submitted to EPA a one-page EPA Method 9 visible emission observation form for CD 45.16, per EPA's request for the results of the June 12, 2013 Performance Test.

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 3.3.1(d) and 3.3.2.

8. Failure to comply with Title V Permit Condition 3.1.12, which requires that no person shall cause, suffer, allow or permit visible emissions from any storage structure that is required to have full enclosure and be equipped with a particulate matter control device.

Essroc's 2013 Annual Certification reported visible emissions during the January 1, 2013 to December 31, 2013 reporting period, from its Multicell Cement Silo on March 21, 2013, from its preheater tower on April 23, 2013 and June 21, 2013, and from its Finish Mill Long Belt on October 2, 2013, in non-compliance with Permit Condition 3.1.12, which states that "no person shall cause, suffer, allow or permit visible emissions from any storage structure(s) associated with any manufacturing process(es) that pursuant to Section 3.1.15 [45 CSR7-5.1] is required to have a full enclosure and be equipped with a particulate matter control device."

9. Failure to comply with Title V Permit Condition 3.1.19 and 40 C.F.R. § 63.1343(b)(1), which require a 10% opacity limit for existing or new raw or finish mills, for a total of 67 days in 2013 and 2014.

Essroc's 2013 and 2014 Annual Certifications and PC MACT Semi-Annual Reports for the periods January-June 2013; July-December 2013; January-June 2014; and July - December 2014 reported 251 6-minute average opacity exceedances, identified below, amounting to a total of 67 days, from its Finish Mills 1 and 2, in violation of the 10% opacity limit set forth in Permit Condition 3.1.19 and 40 C.F.R. 63.1343(b)(1) for existing or new raw or finish mills.

Permit Condition 3.1.19		
Month/Year	FM1	FM2
	Days	Days
01/2013	1	1
03/2013	1	1
05/2013	0	2
06/2013	1	0
08/2013	3	1
09/2013	2	6
10/2013	0	1
11/2013	0	1
12/2013	1	2
01/2014	1	0
03/2014	2	6
04/2014	2	2
05/2014	3	5
06/2014	1	5
07/2014	2	1
08/2014	1	0
09/2014	2	5
10/2014	0	1

12/2014	1	3
TOTAL	24	43

Note: Data compiled from COMS reports (Attachment 1(a) of Essroc's September 2015 Response)

10. Failure to demonstrate continuous compliance with opacity emission standards, as recorded by Essroc's Preheater/Precalciner Kiln COM, for 420 6-minute occurrences on a total of 130 days between March 2013 and December 2014, in violation of Essroc's Title V Permit Condition 3.2.2.

Essroc's 2013 and 2014 Annual Certifications and Semiannual PC MACT reports, from January 1, 2013 to December 31, 2014, reported 420 exceedances of the 10% opacity limitation set forth in Permit Condition 3.1.20 and 40 C.F.R. § 63.1345, on a total of 130 days, as recorded by its Preheater/Precalciner Kiln COM and summarized in the table below. Such exceedances violate Permit Condition 3.2.2, which requires owners/operators who install a COMs in lieu of conducting daily visible emissions testing to demonstrate continuous compliance by operating and maintaining the COMs in accordance with the requirements of 40 C.F.R. § 63.1350(f)(4)(i).

Permit Condition 3.2.2	
Month/Year	Main Kiln (Days)
01/2013	0
02/2013	0
03/2013	4
04/2013	5
05/2013	6
06/2013	5
07/2013	4
08/2013	6
09/2013	11
10/2013	6
11/2013	9
12/2013	11
01/2014	7
02/2014	4
03/2014	4
04/2014	6
05/2014	6
06/2014	4
07/2014	5
08/2014	2
09/2014	5
10/2014	1
11/2014	10
12/2014	9
TOTAL	130

Note: Data compiled from COMS reports (Attachment 1(a) of Essroc's September 2015 Response)

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 3.2.2.

11. Failure to conduct 6-minute daily visual emissions observations in accordance with Method 22, to monitor opacity related to Finish Mill 3, as required by Essroc's Title V Permit Condition 3.2.4 and 40 C.F.R. § 63.1350(f)(2)(i).

Essroc's 2013 and 2014 Annual Certifications reported non-compliance with its Title V Permit Condition 3.2.4, stating that documentation of daily 6-minute Method 22 observations was lacking for 22 weeks in 2013 and all of 2014, and that "conducting a Method 22 at night time is not possible." Permit Condition 3.2.4 and 40 C.F.R. § 63.1350(f)(2)(i) require that for raw or finish mills, opacity must be monitored by conducting daily visible emissions observations of the mill sweep and air separator PMCDs, in accordance with the procedures of Method 22, and that the duration of such tests must be 6 minutes. Based on EPA's review of Essroc's September 2015 Response, a total of 504 days of Method 22 observation records are lacking for 2013 and 2014.

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 3.2.4.

12. Failure to maintain records of visible emissions monitoring information in connection with Essroc's Title V Permit Conditions 3.1.20 and 40 C.F.R. § 63.1345, as required by Permit Conditions 3.4.1 and 3.4.2, and by reference to 40 C.F.R. 63.1350(f).

Essroc's Title V Permit Condition 3.1.20 and 40 C.F.R. § 63.1345 require that the owner/operator of any new or existing raw material, clinker or finished product storage bin, conveying system transfer point bagging system; and bulk loading or unloading system shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of 10%. Essroc's 2014 Annual Certification, regarding Permit Condition 3.1.20, reported that it lacks documentation of the 6-minute Method 9 tests which are required to be conducted within one hour of any observation of visible emissions, per 40 C.F.R. § 63.1350(f), in apparent non-compliance with Permit Conditions 3.4.1 and 3.4.2, which require Essroc to keep and retain records of monitoring information, for at least five years from the date of monitoring, including but not limited to the date, place and time of sampling or measurements, the analytical techniques or methods used, the results of the analysis, and the operating conditions existing at the time of the sampling or measurement.

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Conditions 3.1.20, 3.4.1 and 3.4.2.

13. Failure to maintain records of weekly visible emissions observations for fugitive particulate emissions activities, as required by Essroc's Title V Permit Condition 3.2.12(b), for 53 weeks in 2013 and 2014.

Essroc's 2013 and 2014 Annual Certifications reported that documentation was missing for 15 weeks of fugitive emissions observations conducted in 2013 and 13 weeks in 2014, in non-compliance with its Title V Permit Condition 3.2.12(b), which requires, in pertinent part, that a record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. Part 60, Appendix A, Method 22 or WV 45 CSR7A, whichever is appropriate, and retained on-site for no less than five (5) years. However, based on EPA's review of Essroc's September 2015 Response to Information Request No. 2, including the documentation of Method 9 and 22 forms for certain fugitive sources provided in Attachment 2, a total of 53 weeks of documentation appears to be missing and/or incomplete for 2013 and 2014, in violation of Permit Condition 3.2.12(b).

In Enclosure B2, EPA is requesting further information regarding Essroc's compliance with Permit Condition 3.2.12.

Permit Condition 3.2.12(b)		
	Record Missing	Record Incomplete
1	Week of Jan. 6 th 2013	
2	Week of Feb. 24 th 2013	
3	Week of March 24 th 2013	
4	Week of March 31 st 2013	
5	Week of April 7 th 2013	
6		April 15 th 2013
7		April 23 rd 2013
8	Week of April 28 th 2013	
9		May 14 th 2013
10		May 24 th 2013
11	Week of May 26 th 2013	
12	Week of June 16 th 2013	
13	Week of July 7 th 2013	
14	Week of July 21 st 2013	
15	Week of August 18 th 2013	
16	Week of September 1 st 2013	
17	Week of September 29 th 2013	
18	Week of October 20 th 2013	
19	Week of November 3 rd 2013	
20	Week of November 24 th 2013	
21	Week of December 1 st 2013	
22	Week of December 8 th 2013	
23	Week of December 15 th 2013	
24	Week of December 22 nd 2013	
25	Week of Jan. 5 th 2014	
26	Week of Jan. 26 th 2014	

27		April 10 th 2014
28	Week of April 13 th 2014	
29	Week of April 20 th 2014	
30	Week of April 27 th 2014	
31	Week of May 4 th 2014	
32	Week of May 11 th 2014	
33	Week of May 18 th 2014	
34	Week of May 25 th 2014	
35	Week of June 1 st 2014	
36	Week of June 8 th 2014	
37	Week of June 15 th 2014	
38	Week of June 22 nd 2014	
39	Week of June 29 th 2014	
40	Week of July 6 th 2014	
41	Week of July 13 th 2014	
42	Week of July 20 th 2014	
43	Week of July 27 th 2014	
44	Week of August 3 rd 2014	
45	Week of August 10 th 2014	
46	Week of August 17 th 2014	
47	Week of August 24 th 2014	
48	Week of September 7 th 2014	
49	Week of September 14 th 2014	
50	Week of September 21 st 2014	
51	Week of September 28 th 2014	
52	Week of October 5 th 2014	
53	Week of October 12 th 2014	
	Week of October 19 th 2014	
	Week of October 26 th 2014	
	Week of November 2 nd 2014	
	Week of November 9 th 2014	
	Week of November 16 th 2014	
	Week of November 23 rd 2014	
	Week of November 30 th 2014	
	Week of December 7 th 2014	
	Week of December 14 th 2014	
	Week of December 21 st 2014	
	Week of December 28 th 2014	

Note: Data compiled from Attachment 2(d) and (e) of Essroc's September 2015 Response

14. Failure to conduct weekly visible emission observations on all dust collectors and/or maintain records of such inspections, as required by Essroc's Title V Permit Condition 3.2.13.

Essroc's 2013 Annual Certification reported that "[d]ocumentation is missing for the weekly dust collector inspections for the week of 10/1/2013," in non-compliance with Permit Condition 3.2.13, which requires conducting weekly visible emission observations and maintaining records of all maintenance work performed on each dust collector, including, but not limited to, the date and time of each dust collector inspection, the inspection results, and corrective action taken, if any.

REQUEST FOR INFORMATION - ENCLOSURE B1

INSTRUCTIONS AND DEFINITIONS

A. INSTRUCTIONS

Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request.

1. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
2. Provide as much information possible to completely answer each question. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc. Failure to completely respond to any questions may increase the time necessary to determine compliance with all applicable regulations.
3. For each document provided in response to these questions, provide an accurate and legible copy, which can be used to determine the completeness of this request. For any information submitted electronically, clearly label the question(s) to which the data is responsive.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

B. DEFINITIONS

1. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. Section 7401 or 40 C.F.R. Part 60 and Part 63.
2. EPA Region III includes the states of Maryland, Pennsylvania, Virginia, West Virginia, Delaware and the District of Columbia.



REQUEST FOR INFORMATION - ENCLOSURE B2

REQUESTED INFORMATION

All of the information requested below is in reference to: (1) the non-compliances reported in Essroc's January 1, 2013 - December 31, 2013 and January 1, 2014 - December 31, 2014 Title V Annual Compliance Certifications ("Annual Certifications"); (2) Essroc's PC MACT Semi-Annual Summary Reports for 2013 and 2014 ("PC MACT Semi-Annual Reports"); and/or (3) Essroc's September 17, 2015 Response ("Essroc's September 2015 Information Response") to EPA's July 6, 2015 Information Request ("EPA's July 2015 Information Request"). If any of the requested information is unavailable, please provide an explanation as to why.

1. With regard to Permit Condition 3.1.20, Essroc's September 2015 Information Response No. 2 provided information that does not appear relevant to this permit condition or to EPA's request for information. Specifically, in response to EPA's request for information concerning Essroc's report of non-compliance with Permit Condition 3.1.20 in 2014, Essroc stated that "[t]he sources in question are fugitive sources that are non-continuous such as quarry roads, hauling equipment, dump piles and crushers. It is not possible to conduct a Method 9 observation due to the intermittent nature of the source. . . ." The sources referenced in Permit 3.1.20 are not fugitive sources. Permit Condition 3.1.20 requires that any new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system shall not exhibit opacity in excess of 10%. Please provide the following:

- a. Confirm whether Essroc's 2014 Annual Certification statement concerning Permit Condition 3.1.20, that "*Monthly Method 22s observation documentation shows that when visible emissions were observed corrective actions were initiated to resolve the issue. However, documentation is lacking for the required 6-minute Method 9s, which are required to be conducted within one hour of observing visible emissions,*" pertains to Permit Condition 3.1.20. If Essroc's statement was not applicable to 3.1.20, please correct the 2014 Annual Certification and explain what corrections are necessary.
- b. In addition, given Essroc's 2014 Annual Certification statement that it lacked documentation of the 6-minute Method 9 tests, please explain Essroc's 2013 and 2014 Annual Certifications' report of *compliance* with Permit Conditions 3.4.1 and 3.4.2. Permit Conditions 3.4.1 and 3.4.2 require Essroc to keep and retain records of monitoring information, for at least five years from the date of monitoring, including but not limited to the date, place and time of sampling or measurements, the analytical techniques or methods used, the results of the analysis, and the operating conditions existing at the time of the sampling or measurement.
- c. Provide the Method 22 records applicable to the affected sources referenced under Permit Condition 3.1.20 (i.e., EU2, EU4, EU6, EU7 and EP42.09). Please confirm



whether EP42.09 (reburn hopper system) is correctly associated with Permit Condition 3.1.20.

2. With regard to Permit Condition 3.1.24, Essroc's September 2015 Information Response No. 9 stated that CDs 43.21, 21.12, and 21.13 were initially vented "inside" the building and were converted to outside vents in 2014. Please provide the following additional information regarding CDs 43.21, 21.12 and 21.13:

- a. provide the exact date on which each control device was converted to vent outside the building;
- b. explain how each of these control devices was vented inside the building;
- c. identify the performance testing and/or monitoring conducted for each control device prior to venting outside the building, and the corresponding federal and/or state regulatory requirement(s) for such testing and/or monitoring; and
- d. define and/or identify what a "DJ" emission source is, as referenced on Essroc's 2014 Annual Certification for Permit Condition 3.1.24.

3. With regard to Permit Conditions 3.2.2, please explain the apparent discrepancy in Essroc's 2014 Annual Certification, which reported *noncompliance* with Permit Condition 3.2.2, stating that "[a]ll opacity exceedances . . . and all COM downtime periods are documented in the Semi Annual PC MACT Report," and reported *compliance* with Permit Condition 4.1.22 for all kiln emission limits except SO₂.

4. With regard to Permit Condition 3.2.4's required 6-minute Method 22 daily visual emissions observations for Finish Mill 3, please explain the apparent discrepancy between Essroc's documentation in its September 2015 Response (Appendix 10) indicating that Method 22 could not be completed for the following 14 days during which Finish Mill 3 was "down," and the runtime reports indicating that the Finish Mill 3 was *operational*: 6/3/13; 6/4/13; 6/5/13; 7/24/13; 7/27/13; 10/28/13; 10/30/13; 10/31/13; 12/13/13; 10/27/14; 11/11/14; 11/19/14; 11/22/14; 11/27/14.

5. With regard to Permit Condition 3.2.12(a), please explain the discrepancy between Essroc's reported non-compliance, in its 2013 and 2014 Annual Certifications, with the requirement for conducting weekly visible emissions observations for specific fugitive emission activities, and the corresponding narrative explanations it provided under the heading "Method or Means of Determining Compliance Status," stating that "Weekly Visible Emission Monitoring for all fugitive particulate emission activities was conducted as required during the reporting period." If Essroc was non-compliant with Permit Condition 3.2.12(a), please provide additional information regarding such non-compliance.



6. With regard to Permit Condition 3.2.12(b), please provide documentation of any and all Method 9 testing conducted for dates on which Method 22 visible emissions were observed, including but not limited to July 29, 2013; August 15, 2013; August 27, 2013; October 8, 2013; November 1, 2013; November 22, 2013; June 4, 2014; September 4, 2014; November 4, 2014; and November 21, 2014.
7. With regard to Permit Conditions 3.3.1(d) and 3.3.2, please confirm whether results of the June 12, 2013 Initial Method 9 Performance Test for Rail Transloader 45.16 were reported to WVDEP and, if so, provide a copy of the submission to WVDEP showing the date on which it was submitted.
8. With regard to Permit Condition 4.1.9, Essroc's 2013 and 2014 Annual Certifications reported that "[f]ugitive emission sources EP0X03.02 and EP0X03.03 exceeded their TSP and PM₁₀ emission limits." Please submit the 2013 and 2014 annual emission calculations for TSP and PM₁₀ for EP0X.03.02 and EP0X.03.03. In addition, please provide emissions calculations for actual emissions for all other Group 1 fugitive sources.
9. With regard to Permit Condition 4.1.56, Essroc's September 2015 Information Response No. 15 stated that Essroc overstated the emissions attributable to EP25.03, due to incorrect assumptions regarding the number of hauls of waste overburden hauls. Please provide the following additional information:
 - a. submit revised annual emission calculations for 2013 and 2014 for EP25.03 related to the corrected waste hauls, and explain whether such revision(s) impacted the emissions calculated for any other EP at the facility; and
 - b. provide the annual emissions calculations for EP25.03 for 2015.
10. Please submit signed and dated copies of Essroc's corrected 2013 and 2014 Annual Certifications, showing all changes and corrections made to the information therein since the 2013 and 2014 Annual Certifications were originally submitted to West Virginia Department of Environmental Protection ("WVDEP") (copied to EPA) by cover letters dated March 13, 2014 and March 13, 2015.
11. Please provide a detailed process flow diagram or schematic showing the Title V permitted processes, including major emission units within each emission group, at the Martinsburg Facility.
12. Please provide copies of any and all notices of violation, notices of non-compliance, and warning letters received from WVDEP, between January 1, 2013 and the present, regarding the Martinsburg Facility's alleged non-compliance with the Clean Air Act.



REQUEST FOR INFORMATION - ENCLOSURE B3

STATEMENT OF CERTIFICATION

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Essroc Cement Corporation is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the Martinsburg Facility is in compliance with the Clean Air Act, including New Source Review Standards.

I certify that I am fully authorized by Essroc Cement Corporation to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____



REQUEST FOR INFORMATION - ENCLOSURE B4

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
ASSERTION AND SUBSTANTIATION REQUIREMENTS**

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e).



1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your responses?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not to release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;



(B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B), and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.





U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 551-3115.

